

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

*IN RE CATTLE AND BEEF ANTITRUST
LITIGATION*

Case No. 0:20-cv-01319 (JRT/HB)

This document relates to:

STIPULATION

Cattle Antitrust Action

Commercial and Institutional Indirect
Purchaser Plaintiffs Action

Consumer Indirect Purchaser Plaintiffs
Action

*Winn Dixie, Inc. & Bi-Lo Holding, LLC
vs. Cargill, Inc., et al.*, Case No. 21-cv-
1751 (JRT/HB)

Defendants JBS USA Food Company, Swift Beef Company, JBS Packerland, Inc., and JBS S.A. (collectively, the “JBS Defendants”) and *Cattle* Plaintiffs, Consumer Indirect Purchaser Plaintiffs, Commercial and Institutional Indirect Purchaser Plaintiffs, and Plaintiffs Winn Dixie, Inc. and Bi-Lo Holding, LLC (collectively, “Plaintiffs”), by and through their undersigned counsel, hereby stipulate as follows:

WHEREAS, the JBS Defendants timely filed their Answers to the operative complaints in the above-captioned actions on January 28, 2022 [Dkts. 324, 325, 326, 327] (the “Answers”), wherein the JBS Defendants raised affirmative defenses in response to the Consumer Indirect Purchaser, Commercial and Institutional Indirect Purchaser, Winn-Dixie, and *Cattle* Complaints;

WHEREAS, on February 11, 2022, Plaintiffs communicated to all Defendants their view that certain of the Defendants' affirmative answers were insufficiently pled;

WHEREAS, in subsequent correspondence, the JBS Defendants and Plaintiffs agreed that the JBS Defendants would amend the affirmative defenses in their Answers by April 15, 2022;

WHEREAS, Plaintiffs have agreed not to oppose the JBS Defendants' amendments to the affirmative defenses in their Answers, but have reserved the right to move against any of the JBS Defendants' affirmative defenses on the grounds set forth in their February 11, 2022 letter.

BASED ON THE RECITALS ABOVE, the Parties hereby stipulate and agree as follows:

1. The JBS Defendants shall amend the Answers. Attached hereto are the following documents:
 - a. Exhibit A: JBS Defendants' Proposed Redlined Amended Answer in the Cattle Antitrust Action;
 - b. Exhibit B: JBS Defendants' Proposed Clean Amended Answer in the Cattle Antitrust Action;
 - c. Exhibit C: JBS Defendants' Proposed Redlined Amended Answer in the Commercial and Institutional Indirect Purchaser Plaintiff Action;
 - d. Exhibit D: JBS Defendants' Proposed Clean Amended Answer in the Commercial and Institutional Indirect Purchaser Plaintiff Action;

- e. Exhibit E: JBS Defendants' Proposed Redlined Amended Answer in the Consumer Indirect Purchaser Plaintiff Action;
- f. Exhibit F: JBS Defendants' Proposed Clean Amended Answer in the Consumer Indirect Purchaser Plaintiff Action;
- g. Exhibit G: JBS Defendants' Proposed Redlined Amended Answer in the *Winn-Dixie* Action; and
- h. Exhibit H: JBS Defendants' Proposed Clean Amended Answer in the *Winn-Dixie* Action.

2. Plaintiffs shall not oppose the amendments to the Answers, but reserve the right to move against all or some of the affirmative defenses, as amended.

Dated: April 15, 2022

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